

Committee Room,
Austin, Texas, April 23, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred

S. B. No. 79, A bill to be entitled "An Act amending Sections 15, 16, 17, and 19 of the Acts of 1929, 41st Legislature, Page 242, Chapter 107 all relating to the practice of pharmacy, and regulating the distributions, compounding, manufacturing and sale of medicines, drugs, and chemicals in the State of Texas; defining the terms pharmacists, and pharmacy, drugs and drug store; providing for exceptions from the provisions of said Act, and Chapter, and declaring an emergency."

Have had the same under consideration; and I am instructed to report it back to the Senate with the recommendation that it do not pass, but C. S. S. B. do pass in lieu of the original bill.

BERKELEY, Chairman.

SIXTY-SECOND DAY.

(Continued.)

Senate Chamber,
Austin, Texas,
April 24, 1931.

The Senate met at 9:30 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

H. J. R. No. 1.

The Chair laid before the Senate on its third reading the following resolution:

By Mr. Harrison, Mr. McGill and Mr. Jackson:

H. J. R. No. 1, Proposing an amendment to the Constitution of the State of Texas by amending Section 33 and Section 40 of Article 16 of the Constitution of Texas so as to permit officers of the National Guard, the National Guard Reserve, and the Officers' Reserve Corps of the United States, and enlisted men of the National Guard, the National Guard Reserve, and the Organized Reserves of the United States, and retired officers of the United States Army, Navy, and Marine Corps, and retired en-

listed men of the United States Army, Navy and Marine Corps, to hold public office in Texas."

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Parr.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	

Nays—1.

Poage.

Absent—Excused.

Oneal.

Woodward.

Senate Bill No. 202.

The question recurred on S. B. No. 202.

Senator Neal sent up the following amendment:

Amend S. B. No. 202, page 2, line 11, by striking out the words "with a scholastic population of fewer than 500," and inserting in lieu thereof the following: "without independent supervisors."

NEAL.

Read and adopted.

Senator DeBerry sent up the following amendment:

Amend S. B. No. 202 by striking out the words "State Board of Education" in line 23, Section 1, page 1, and insert in lieu thereof the words "county board of trustees."

DeBERRY.

The amendment was read.

Senator Williamson moved the previous question on the amendment and the bill. The motion failed to receive the proper seconding.

Senator Neal moved to table the amendment. The motion was lost by the following vote:

Yeas—12.

Cousins.	Hornsby.
Gainer.	Martin.
Greer.	Neal.

Oneal. Thomason.
Patton. Woodruff.
Stevenson. Woodul.

Nays—15.

Berkeley. Poage.
Cunningham. Pollard.
DeBerry. Purl.
Holbrook. Rawlings.
Hopkins. Russek.
Moore. Small.
Parr. Williamson.
Parrish.

Absent.

Beck. Loy.
Hardin.

Absent—Excused.

Woodward.

The amendment was adopted.

Senator DeBerry sent up the following amendment:

Amend S. B. No. 202 by striking out the words "one hundred and twenty-five" in line 24, Section 1, page 1, and insert in lieu thereof the words "five hundred."

DeBERRY.

Read and adopted.

Amend by inserting the counties of the Eighth Senatorial District.

DeBERRY.

Read and adopted.

On motion of Senator Purl, the previous question was ordered on the further consideration of the bill.

The bill was read second time and passed to engrossment by the following vote:

Yeas—18.

Beck. Martin.
Cousins. Neal.
DeBerry. Patton.
Gainer. Poage.
Greer. Pollard.
Hardin. Russek.
Holbrook. Stevenson.
Hornsby. Thomason.
Loy. Woodul.

Nays—11.

Berkeley. Purl.
Cunningham. Rawlings.
Hopkins. Small.
Moore. Williamson.
Parr. Woodruff.
Parrish.

Absent—Excused.

Oneal. Woodward.

On motion of Senator Neal, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 202 was put on its third reading and final passage, by the following vote:

Yeas—25.

Berkeley. Parrish.
Cousins. Patton.
Cunningham. Poage.
DeBerry. Pollard.
Greer. Purl.
Hardin. Russek.
Holbrook. Small.
Hopkins. Stevenson.
Hornsby. Thomason.
Loy. Williamson.
Martin. Woodruff.
Neal. Woodul.
Parr.

Nays—2.

Moore. Rawlings.

Absent.

Beck. Gainer.

Absent—Excused.

Oneal. Woodward.

Read third time and finally passed by the following vote:

Yeas—19.

Beck. Neal.
Cousins. Patton.
DeBerry. Poage.
Gainer. Pollard.
Greer. Russek.
Hardin. Stevenson.
Holbrook. Thomason.
Hornsby. Woodruff.
Loy. Woodul.
Martin.

Nays—10.

Berkeley. Parrish.
Cunningham. Purl.
Hopkins. Rawlings.
Moore. Small.
Parr. Williamson.

Absent—Excused.

Oneal. Woodward.

Simple Resolution No. 119.

Senator Purl sent up the following resolution:

Whereas, It is known that the Honorable James Murdock, the well known Canadian Senator, and the Honorable W. N. Doak, the present

Secretary of Labor in President Hoover's cabinet, will be in Texas from May 4 to June 1; and

Whereas, It is believed to be a very great privilege and opportunity to have these men address the Senate of Texas; therefore be it

Resolved That the Senate of Texas extend a cordial invitation to Senator Murdock and Secretary Doak to address this body at some time during their stay in Texas; be it further

Resolved That the President of the Senate of Texas be and is hereby instructed to inform the gentlemen of this invitation.

PURL,
SMALL.

Read and adopted.

Messages From the House.

Hall of the House of Representatives.
Austin, Texas, April 23, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has granted the request of the Senate for the appointment of a Conference Committee to consider the differences between the two Houses on Senate Bill No. 246. The following are conferees on the part of the House:

Sanders, Graves, Mrs. Moore, Ford, and Kayton.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives.
Austin, Texas, April 24, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 45, A bill to be entitled "An Act to amend Article 3943, Revised Statutes 1925, relating to the commission allowed a county treasurer by providing that in all counties having a population of over 340,000 according to the last United States census, the treasurers thereof shall receive as their commissions a sum not exceeding thirty-six hundred dollars annually and shall be allowed an assistant at a salary not to exceed fifteen hundred dollars per annum, and declaring an emergency."

S. B. No. 275, A bill to be entitled

"An Act to amend Chapter 82, General and Special Laws of the Fortieth Legislature, Regular Session, approved March 12, 1927, entitled: 'An Act relating to the duties of the county board of trustees of the public schools of this State in all counties having 210,000 population or more, according to the last preceding Federal census, authorizing them to condemn land for school purposes; to subdivide the respective counties into convenient school districts; to increase or reduce the area of independent and common school districts; create additional districts; consolidate two or more adjacent districts; subdivide any districts; revise and rearrange the boundaries of any districts; attach territory thereto or detach territory therefrom and to adjust the district properties and bonded indebtedness against such districts and detach or add territory upon a just and equitable basis, providing a method of apportioning school funds to the respective districts and providing for the election of the county board of school trustees; and repealing all laws, general or special, in conflict therewith and declaring an emergency,' insofar as same may be applicable to counties which did not have 210,000 population or more according to the 1920 Federal census, by adding thereto Section 11a providing a method of apportioning school funds to independent school districts having 500 scholastics or more in such counties in this State as had less than 210,000 inhabitants according to the 1920 Federal census, and declaring an emergency."

(With amendments.)

S. B. No. 307, A bill to be entitled "An Act to amend Chapter 101, Local and Special Laws passed by the Thirty-ninth Legislature at its Regular Session, in 1925, same being a special road law for Cottle County, by adding thereto Section 2a, authorizing the commissioners' court of Cottle County to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes, and to levy a tax in payment thereof, and providing that if the validity of the indebtedness to be funded by such bonds is not questioned in any suit or proceeding within 60 days from the adoption of

the order of the commissioners' court authorizing the issuance of such bonds, then such indebtedness shall be conclusively presumed to be valid; and declaring an emergency."

(With amendments.)

S. B. No. 309, A bill to be entitled "An Act ratifying and validating the creation and all proceedings creating Oak Dale Common School District No. 60, of Erath County, Texas, with described boundaries; validating all acts of State and county school officials and trustees of said common school district in the expenditure and disbursement of school funds apportioned to said district, as well as all moneys derived from special school tax in said district, and within the boundaries thereof as fixed; validating and ratifying the creation and consolidation proceedings creating Oak Dale Consolidated Common School District No. 60, North Bosque Common School District No. 57, and Falls Common School District No. 112, all of Erath County, Texas; ratifying and validating all orders, petitions, notices, elections, orders declaring results of elections and describing the boundaries of such consolidated common school district; validating elections, election returns and proceedings held on the 26th day of July, 1930, in such consolidated district; authorizing the issuance of 32,000,000 schoolhouse bonds, providing for their payment by the annual levy, assessment and collection of taxes, including the petition, orders, notices, elections, election returns, and authorizing the board of trustees to complete the issuance and sale of such bonds; creating said district; and declaring an emergency."

S. B. No. 311, A bill to be entitled "An Act to amend Article 7324 of the Revised Civil Statutes of 1925, providing for collectors of taxes to mail notices of tax delinquencies to record owners of lands and lots situated in the county, showing amount of taxes delinquent on said property, etc., and declaring an emergency."

(With amendments.)

S. B. No. 366, A bill to be entitled "An Act amending Section 29, Article 199, Title 8, of the Revised Civil Statutes of 1925, providing for the changing and fixing the times of holding the courts in the Twenty-ninth Judicial District of Texas, and validating and continuing processes,

and writs, bonds, recognizances, and jurors heretofore selected, etc., returnable to the terms of court, as they now exist, and continuing in session the district court which may now be in session until its term expires by law, and declaring an emergency."

(With amendments.)

S. B. No. 505, A bill to be entitled "An Act to amend Chapter 234, Local and Special Laws passed by the Thirty-ninth Legislature at its Regular Session, in 1925, same being a Special Road Law for Stonewall County, by adding thereto Section 1a, authorizing the commissioners' court of Stonewall County to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes and to levy a tax in payment thereof, and providing that if the validity of the indebtedness to be funded by such bonds is not questioned in any suit or proceeding within sixty days from the adoption of the order of the commissioners' court authorizing the issuance of such bonds, then such indebtedness shall be conclusively presumed to be valid; and declaring an emergency."

(With amendments.)

S. B. No. 518, A bill to be entitled "An Act to amend Section 1, S. B. No. 158, Acts of the Regular Session of the Forty-second Legislature; and declaring an emergency."

S. B. No. 557, A bill to be entitled "An Act providing that it shall not be unlawful to kill or take squirrels in Parker County, Texas, any time during the year; and declaring an emergency."

(With amendments.)

S. B. No. 570, A bill to be entitled "An Act amending Section 4, Chapter 35, Acts of the Special Laws of the Thirty-third Legislature, the same being Senate Bill No. 253; and declaring an emergency."

(With amendments.)

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives.

Austin, Texas, April 24, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

H. C. R. No. 25, Relative to dis-

position of cottonseed and to the planting and sale of cotton over State Prison System.

S. C. R. No. 37, Inviting the Honorable Jouett Shouse, Democratic National Chairman Executive Committee and former Governor Nellie Tayloe Ross, Vice Chairman of the Democratic National Committee, to visit Austin and the capitol, and to each deliver an address to the Legislature.

H. C. R. No. 52, Recalling H. B. No. 996 from the office of the Secretary of State for correction.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

House Bill No. 335.

The question recurred upon H. B. No. 335.

Senator Rawlings sent up the following amendments:

Amend H. B. No. 335 by striking out Section 6(c) on page 6, lines 14 to 25, inclusive, and insert in lieu thereof the following: "No motor carrier operating in whole or in part in this State under a certificate or permit issued by the Railroad Commission of Texas, or any officer or agent of such motor carrier, shall require or knowingly permit any truck-driver or his helper to drive or operate a truck for a period longer than fourteen (14) consecutive hours; and whenever such driver or helper shall have been continuously on such duty for fourteen (14) hours, he shall be relieved and shall not be required or knowingly permitted to again go on duty until he has had at least eight (8) consecutive hours off duty; and no such driver or helper who has been on such duty fourteen hours (14) in the aggregate in any twenty-four (24) hour period, shall be required or knowingly permitted to continue or again go on duty without having had at least eight (8) consecutive hours off duty; and venue for prosecution under this Section shall lie in the county of the residence of the defendant."

RAWLINGS.

Read and adopted.

Amend H. B. No. 335 by adding a new section to be known as Section 19(a), to read as follows:

"Section 19(a). Declaration of policy. The business of operating as

a motor carrier of property for hire along the highways of this State is declared to be a business affected with public interest. The rapid increase of motor carrier traffic, and the fact that under existing law any motor trucks are not effectively regulated, have increased the dangers and hazards on public highways and make it imperative that more stringent regulation should be employed, to the end that the highways may be rendered safer for the use of the general public; that the wear of such highways may be reduced; that discrimination in rates charged may be eliminated; that congestion of traffic on the highways may be minimized; that the use of the highways for the transportation of property for hire may be restricted to the extent required by the necessity of the general public, and that the various transportation agencies of the State may be adjusted and correlated so that public highways may serve the best interest of the general public."

RAWLINGS.

Read and adopted.

Senator Woodul sent up the following amendment:

Amend H. B. No. 335 by striking out all of Section 19, thereof, page 11 of the printed bill, and inserting in lieu thereof the following: "Section 19. If any section, subsection, clause, sentence or phrase of this Act is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portions of this Act. The Legislature hereby declares that it would have passed this Act and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases be declared unconstitutional."

WOODUL.

Read and adopted.

Senator Woodruff sent up the following amendment:

Amend H. B. No. 335 by adding after the word "inherit" in line 25, page 4, the following:

"Provided, that the Railroad Commission shall never approve the sale or transfer of any certificate to a non-resident, or foreign person, firm, co-partnership, association, or corporation, by anyone, resident or non-

resident, and provided further that any stock in any corporation operating motor vehicle for hire over the highways of this State owned by a non-resident person, firm, co-partnership, association or corporation shall be "non-voting stock."

WOODRUFF.

Read and adopted.

The bill as amended was passed to third reading.

Senate Bill No. 181.

The Chair laid before the Senate as special order S. B. No. 181.

Read second time.

Senator Rawlings received unanimous consent to postpone further consideration of this bill and H. B. No. 336 until next Monday morning.

Simple Resolution No. 120.

Senator DeBerry sent up the following resolution:

Whereas, The Honorable Wright Patman, Congressman from the First Congressional District of Texas, is on the floor of the Senate; therefore, be it

Resolved That he be extended the privileges of the floor, and invited to address the Senate.

DeBERRY,
BECK,
POLLARD,
PURL.

Read and adopted.

Hon. Wright Patman Speaks.

The Chair appointed Senators DeBerry and Beck to escort Mr. Patman to the platform.

The Chair introduced Senator DeBerry, who introduced Mr. Patman. Mr. Patman briefly addressed the Senate.

Motion to Concur.

On motion of Senator Moore, the Senate concurred in House amendments to S. B. No. 280 by the following vote:

Yeas—30.

Beck.	Hardin.
Berkeley.	Holbrook.
Cousins.	Hopkins.
Cunningham.	Hornsby.
DeBerry.	Loy.
Gainer.	Martin.
Greer.	Moore.

Neal.
Parr.
Parrish.
Patton.
Poage.
Pollard.
Purl.
Rawlings.

Russek.
Small.
Stevenson.
Thomason.
Williamson.
Woodruff.
Woodul.

Absent—Excused.

Oneal.

Woodward.

House Resolution Referred.

H. C. R. No. 25, referred to Committee on State Penitentiaries.

Motion to Concur.

On motion of Senator Hardin, the Senate concurred in House amendments to S. B. No. 366 by the following vote:

Yeas—30.

Beck.
Berkeley.
Cousins.
Cunningham.
DeBerry.
Gainer.
Greer.
Hardin.
Holbrook.
Hopkins.
Hornsby.
Loy.
Martin.
Moore.
Neal.

Oneal.
Parr.
Parrish.
Patton.
Poage.
Pollard.
Purl.
Rawlings.
Russek.
Small.
Stevenson.
Thomason.
Williamson.
Woodruff.
Woodul.

Absent—Excused.

Woodward.

On motion of Senator Hardin, the Senate concurred in House amendments to S. B. No. 570 by the following vote:

Yeas—30.

Beck.
Berkeley.
Cousins.
Cunningham.
DeBerry.
Gainer.
Greer.
Hardin.
Holbrook.
Hopkins.
Hornsby.
Loy.
Martin.
Moore.
Neal.

Oneal.
Parr.
Parrish.
Patton.
Poage.
Pollard.
Purl.
Rawlings.
Russek.
Small.
Stevenson.
Thomason.
Williamson.
Woodruff.
Woodul.

Absent—Excused.

Woodward.

On motion of Senator Woodul, the Senate concurred in House amendments to S. B. No. 275 by the following vote:

Yeas—30.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.

Absent—Excused.

Woodward.

Motion to Recommit.

Senator Pollard moved to recommit S. B. Nos. 292 and 293 to the Committee on Insurance. The motion was lost.

Bills Introduced.

By an affirmative vote of four-fifths of the membership of the Senate, the constitutional rule relating to the introduction of general bills during the last 90 days of the session was suspended and consent was granted to introduce the following bills:

By Senator Parr:

S. B. No. 608, A bill to be entitled "An Act for the conservation, protection, preservation and distribution of the underground water supply of the State; defining powers and duties of the Board of Water Engineers for said purpose, providing for plugging, casing or capping wells to prevent contamination of fresh water supply; prescribing a penalty for violating any provisions of this Act; and declaring an emergency."

Read and referred to Committee on Mining, Irrigation and Drainage.

By Senator Loy:

S. B. No. 609, A bill to be entitled

"An Act to amend Article 6066 of the Revised Civil Statutes of 1925; and declaring an emergency."

Read and referred to Committee on State Affairs.

By Senator Parrish:

S. B. No. 610, A bill to be entitled "An Act to provide that oil, gas and mineral leases, conveyances and mining claims heretofore or hereafter granted on the public lands of the State in which the State retains a royalty of a portion of the gross production of the oil, gas and other minerals or of the value thereof, and the rights of the holders thereof and of their assignees and their income therefrom, shall not be subject to income or other taxes levied by the United States, providing that this Act shall not apply to taxes levied by the State or subdivisions thereof, and declaring an emergency."

Read and referred to Committee on Public Lands and Land Office.

Motion to Concur.

On motion of Senator Parrish, the Senate concurred in House amendments to S. B. No. 307 by the following vote:

Yeas—30.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.

Absent—Excused.

Woodward.

On motion of Senator Parrish, the Senate concurred in House amendments to S. B. No. 505 by the following vote:

Yeas—30.

Beck.	Cunningham.
Berkeley.	DeBerry.
Cousins.	Gainer.

Greer.	Patton.
Hardin.	Poage.
Holbrook.	Pollard.
Hopkins.	Purl.
Hornsby.	Rawlings.
Loy.	Russek.
Martin.	Small.
Moore.	Stevenson.
Neal.	Thomason.
Oneal.	Williamson.
Parr.	Woodruff.
Parrish.	Woodul.

Absent—Excused.

Woodward.

On motion of Senator Woodruff, the Senate concurred in House amendments to S. B. No. 557 by the following vote:

Yeas—30.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.

Absent—Excused.

Woodward.

Motion to Reconsider.

Senator Purl moved to reconsider the vote by which the Senate refused to recommit S. B. No. 292 and 293 to the Committee on Insurance. The motion to reconsider prevailed.

The motion to recommit prevailed.

Senate Bill No. 218.

The Chair laid before the Senate as special order the following bill:

By Senator Holbrook:

S. B. No. 218, A bill to be entitled "An Act amending Article 4725 of the Revised Civil Statutes of 1925; designating the securities in which the funds of life insurance companies may be invested; providing

that if a domestic life insurance company reinsures the business and takes over the assets of another life insurance company, either domestic or foreign, the reinvestments of such company so taken over and reinsured, if authorized, when made, by the laws of the State of its incorporation, shall be considered as valid securities of the domestic company so taking it over."

The bill was read second time and passed to engrossment.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 218 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.

Absent—Excused.

Woodward.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.

Absent—Excused.

Woodward.

Bills Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 125. S. B. No. 358.
S. B. No. 159. S. B. No. 361.
S. B. No. 269. S. B. No. 403.
S. B. No. 354.

Free Conference Requested.

On motion of Senator Oneal the Senate refused to concur in House amendments to S. B. No. 311 and asked for a Free Conference Committee.

Adjournment.

Senator Williamson moved to adjourn until 10 o'clock Monday morning.

Senator DeBerry moved to recess until 2 o'clock this afternoon.

The motion to adjourn prevailed by the following vote:

Yeas—17.

Berkeley.	Parrish.
Cunningham.	Rawlings.
Gainer.	Russek.
Hardin.	Small.
Hopkins.	Stevenson.
Martin.	Thomason.
Moore.	Williamson.
Oneal.	Woodul.
Parr.	

Nays—6.

DeBerry.	Poage.
Hornsby.	Purl.
Neal.	Woodruff.

Absent.

Beck.	Loy.
Cousins.	Patton.
Greer.	Pollard.
Holbrook.	

Absent—Excused.

Woodward.

At 12:30 o'clock p. m. the Senate adjourned.

APPENDIX.**Petitions and Memorials.**

(Telegram.)

Wichita Falls, April 23, 1931.
Lieutenant Governor Witt or President Pro Tem. Carl C. Hardin.
Austin, Texas.
The sincere appreciation of First

District Federation Women's Clubs, the appreciation of its present President, Mrs. Ben G. Oneal, and its President-Elect, Mrs. Bob Barker, is voiced to the members of the State Senate for their telegrams of greetings and best wishes extended to the convention assembled at Graham.

MRS. BEN G. ONEAL,
President.

Committee on Enrolled Bills.

Committee Room,
Austin, Texas, April 23, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 125 carefully examined and compared and find some correctly enrolled.

GREER, Chairman.

Committee Room,
Austin, Texas, April 23, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills have had S. B. No. 159 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,
Austin, Texas, April 23, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 269 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,
Austin, Texas, April 23, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 354 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,
Austin, Texas, April 23, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 358 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,
Austin, Texas, April 23, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on En-

rolled Bills, have had S. B. No. 361 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,
Austin, Texas, April 23, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 403 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, April 23, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 279 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, April 24, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Constitutional Amendment, to whom was referred

H. J. R. No. 26, Proposing an amendment to Article VI of the Constitution of the State of Texas by adopting a new section, which shall provide that only qualified electors owning taxable property in the State, county, district, political subdivision, city, town or village where the election is held and which has been duly rendered for taxation shall be qualified to vote at elections held for the purpose of issuing bonds or otherwise lending credit, or expending money or assuming debt therein.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HOLLOWAY, Chairman.

Committee Room,
Austin, Texas, April 24, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

H. B. No. 735, A bill to be entitled "An Act to authorize the State Board of Control to lease public

grounds and property of the State for agricultural and/or commercial purposes; prescribing the mode and manner of making said lease, repealing all laws in conflict, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

PARRISH, Chairman.

(Majority Report.)

Committee Room,
Austin, Texas, April 23, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, a majority of your Committee on State Affairs, to whom was referred

H. B. No. 770, A bill to be entitled "An Act amending Article 7065 Revised Statutes of Texas, 1925, as amended by Chapter 88, Section 17, Acts of 2nd Called Session, 41st Legislature, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

MOORE, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, April 23, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, a minority of your Committee on State Affairs, to whom was referred

H. B. No. 770, A bill to be entitled "An Act amending Article 7065 Revised Statutes of Texas, 1925, as amended by Chapter 88, Section 17, Acts of 2nd Called Session, 41st Legislature, and declaring an emergency."

Beg leave to differ with the majority and recommend that said bill do pass.

DeBERRY,
SMALL,
HOPKINS,
MARTIN.

Committee Room,
Austin, Texas, April 23, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred
H. B. No. 480, A bill to be entitled

"An Act defining the North White Wing Zone and the South White Wing Zone and amending Article 879A of Chapter 74 of the General and Special Laws of the Regular Session of the 41st Legislature, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MOORE, Chairman.

Committee Room,

Austin, Texas, April 23, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 215, A bill to be entitled "An Act repealing Chapter 68, H. B. No. 114 Acts 1st Called Session 41st Legislature, making it unlawful to take wild beaver, wild otter or wild fox; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MOORE, Chairman.

Committee Room,

Austin, Texas, April 23, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 892, A bill to be entitled "An Act regulating the taking of furbearing animals in certain counties, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MOORE, Chairman.

Committee Room,

Austin, Texas, April 23, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 515, A bill to be entitled "An Act to amend Section 2, Chapter 74, Acts of the Fifth Called Session, Forty-first Legislature, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MOORE, Chairman.

Committee Room,

Austin, Texas, April 23, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 724, A bill to be entitled "An Act to amend Article 8222, Title 128, of the Revised Civil Statutes of 1925, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MOORE, Chairman.

Committee Room,

Austin, Texas, April 23, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 605, A bill to be entitled "An Act authorizing the State Comptroller of Public Accounts, and the State Treasurer to cancel off their books outstanding and unpaid warrants issued prior to September 1, 1927, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MOORE, Chairman.

Committee Room,

Austin, Texas, April 23, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 749, A bill to be entitled "An Act requiring the Game, Fish and Oyster Commission to set aside and designate portions of the public fresh water lakes, streams, creeks, rivers, lagoons and ponds of this State as fish sanctuaries, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments.

MOORE, Chairman.

Committee Amendment No. 1.

Amend H. B. No. 749 by adding at the end of Section 1, the following: "Provided, that the provisions of this Act shall not apply to Wich-

ita, Clay, Baylor and Wilbarger Counties."

Committee Amendment No. 2.

Amend the caption of H. B. No. 749 by adding after the word "State" and before the word "as" in line 3 of body of caption the following: "except in Wichita, Clay, Baylor and Wilbarger Counties."

Committee Room,

Austin, Texas, April 23, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 381, A bill to be entitled "An Act to amend Article 7098, Revised Civil Statutes, 1925, as amended by Section 3 of Chapter 68, Fifth Called Session of the Forty-first Legislature, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments.

MOORE, Chairman.

Committee Amendment No. 1.

Amend H. B. No. 381 by striking out all after the enacting clause and insert in lieu thereof the following:

Section 1. That Articles 7084 and 7089 Revised Civil Statutes 1925, as amended by House Bill 12—Fifth Called Session of the 41st Legislature, be amended to read as follows:

Article 7084. Amount of Tax—

(A) Except as herein provided, every domestic and foreign corporation heretofore or hereafter chartered or authorized to do business in Texas, shall, on or before May 1st of each year, pay in advance to the Secretary of State a franchise tax for the year following, based upon that proportion of the outstanding capital stock, surplus and undivided profits, plus the amount of outstanding bonds, notes and debentures, other than those maturing in less than a year from date of issue, as the gross receipts from its business done in Texas bears to the total gross receipts of the corporation from its entire business, which tax shall be computed at the following rates for each one thousand (\$1,000.00) dollars or fractional part thereof; one dollar (\$1.00) to

One Million dollars (\$1,000,000) sixty cents (60c); in excess of One Million (\$1,000,000.00) dollars, Thirty Cents (30c); provided that such tax shall not be less than Ten Dollars (\$10.00) in the case of any corporation, including those without capital stock. Where a foreign corporation applying for a permit has theretofore done no business in Texas, such tax shall not be payable until the end of one year from the date of such permit, at which time the tax shall be computed according to first year's business; and, at the same time, such corporation shall also pay its tax in advance, based upon the first year's business, for the period from the end of the first year to and including May 1st following. In all other cases, the tax shall be computed from the data contained in the reports required by Article 7087 and 7089. Capital stock as applied to corporations without capital stock shall mean the net assets.

(B) Corporations which are now required by law to pay annually a tax upon intangible assets, corporations owning or operating street railways in or upon the public streets of any town or city, and corporations organized to maintain or owning or operating electric or interurban railways, shall be required to hereafter pay a franchise tax equal to one-fifth of the franchise tax herein imposed against all other corporations under Section (A) herein.

(C) Provided, however, that this Act shall not apply to corporations organized as terminal companies not organized for profit, and having no income from the business done by them.

(D) Except as provided in preceding clauses "B" and "C" all public utility corporations, which shall include every such corporation engaged solely in the business of a public utility whose rates or service is regulated, or subject to regulation, in whole or in part, by law, shall pay a franchise tax as provided in this Act, except the same shall be based on that proportion of the issued and outstanding capital stock, surplus and undivided profits, which the gross receipts of the business of said corporation done in this State bears to its total gross receipts, instead of the gross assets; and in lieu of the rate hereinbefore prescribed

said tax shall be computed as follows:

One Dollar (\$1.00) to One Million Dollars (\$1,000,000.00) Sixty-five Cents for each One Thousand Dollars (\$1,000.00) or fractional part thereof;

Forty-five Cents for each One Thousand Dollars (1,000.00) or fractional part thereof in excess of one Million Dollars (\$1,000,000.00) and not exceeding Ten Million Dollars (\$10,000,000.00);

And Thirty-five Cents for each One Thousand Dollars or fractional part thereof in excess of Ten Million Dollars (\$10,000,000.00).

For the purpose of computing the tax of corporations issuing no par stock shall be taken and considered as being of the value actually received at the time of the issuance thereof; and foreign corporations issuing such stock shall furnish the Secretary of State with the same information now required of domestic corporations issuing such stock."

(E) Corporations engaged partly in the business of a public utility as defined in Clause "D" and partly in businesses embraced in Clause "A" shall pay the franchise tax in the following manner; as to those businesses which come under Clause "A" the tax shall be computed as provided in Clause "A" on that proportion of the entire taxable capital under said Clause "A" as the Texas gross receipts from such business or businesses bear to the entire Texas gross receipts of such corporation; and to those businesses which come under Clause "D" the tax shall be computed as provided in Clause "D" on that proportion of the entire taxable capital under said Clause "D" as the Texas gross receipts from such business or businesses bear to the entire Texas gross receipts of such corporation. The period for which such gross receipts are taken shall be the same period used in computing the proportion of Texas taxable capital under Clauses "A" and "D".

(F) Corporations which are now required to pay a separate franchise tax for each purpose or business authorized by their charters, shall hereafter pay only the tax provided hereunder for one purpose, and one-tenth of such amount for each additional purpose named in their charters.

Sec. 2. That Article 7089 be amended so as to read as follows:

"Article 7089. Report of Corporation. Except as herein provided, all corporations now required to pay an annual franchise tax shall, between January 1st and March 15th of each year, make a sworn report to the Secretary of State, on blanks furnished by that officer, showing the condition of such corporation on the last day of the preceding fiscal year. The Secretary of State may for good cause shown by any corporation extend such time to any date up to May 1st, said report shall give the cash value of all gross assets of the corporation, the amount of its authorized capital stock, the capital stock actually subscribed, and the amount paid in, the surplus and undivided profits or deficit, if any, the amount of mortgages, bonded and current indebtedness, the amount and date of payment of the last annual, semi-annual, quarterly, or monthly dividend, the amount of all taxes paid, or due and payable separately to the State of Texas, or to any county, city or town, school district, road district, or other taxing subdivision of Texas, for the preceding tax year, the total gross receipts of such corporation from all sources and the gross receipts from its business done in Texas for the fiscal year preceding, with a detailed balance sheet and income and profit and loss statement in such form as the Secretary of State may prescribe. Where a foreign corporation has not theretofore done business in this State and is granted a permit to do business in Texas, it shall file its first report as of the end of one year from the last day of the month during which such permit was granted, within (90) days of such date. Any corporation which shall fail or refuse to make its report shall be assessed a penalty of ten per cent of the amount of franchise tax due by such corporation, payable to the Secretary of State, together with its franchise tax. Said report shall be deemed to be privileged and not for the inspection of the general public, but a bona fide stockholder owning one per cent or more of the outstanding stock of any corporation, may examine such returns upon presentation of evidence of such ownership to the Secretary of State.

No other examination, disclosure or use shall be permitted of said reports except in the course of some judicial proceedings in which the State is a party or in a suit by the State to cancel the permit or forfeit the charter of such corporation or to collect penalties for the violation of the laws of this State, or for information of any officer of this State charged with the enforcement of its laws, including the Comptroller of Public Accounts, State Auditor, and the State Tax Commissioner. Each report shall be sworn to by either the president, vice president, secretary, treasurer, or general manager, and shall give the name and address of each officer and director. In order to provide a means for service of process to collect any franchise tax or penalties, and in all other cases, each foreign corporation shall, for such purpose, designate some person residing in this State whose name and address shall be given in each report. The State shall have a prior lien on all corporate property for all franchise taxes, penalties and interest."

Sec. 3. If the Secretary of State or any other State officer or employee, or any other person, having access to any franchise tax report filed as provided by law, including any shareholder who is permitted to examine the report of any corporation as provided in Section 2 hereof, shall make known in any manner whatever not provided by law the amount of source of income, profits, losses, expenditures, or any particulars thereof or any other information pertaining to the financial condition of the corporation set forth or disclosed in such report, he shall be punished by a fine not exceeding \$1,000.00, or confinement in jail for not exceeding one year, or both.

Sec. 4. All laws and parts of laws in conflict herewith, and especially Section 5 of Chapter 68 of the Fifth Called Session of the Forty-first Legislature, be and the same are hereby repealed.

Sec. 5. The fact that the present law requires corporations engaged jointly in the ice, water, light and power business to pay a franchise tax of three or more times the amount paid by corporations engaged solely in the light and power business, creates an emergency and

an imperative public necessity that the Constitutional rule requiring bills to be read on three several days in each house be suspended, and that this bill take effect and be in force from and after its passage, and it is so enacted.

Committee Amendment No. 2.

Amend the caption of the Bill so the same will read as follows:

"To amend Articles 7084 and 7089 Revised Statutes, 1925, as amended by House Bill 12, Fifth Called Session of the 41st Legislature, relating to reports and the payment of corporate franchise taxes, repealing Section 5 of Chapter 68 Acts of Fifth Called Session 41st Legislature and all laws and parts of laws in conflict therewith and declaring an emergency."

Committee Room,

Austin, Texas, April 23, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 677, A bill to be entitled "An Act repealing a Act of the 39th Legislature approving a compact entered into on February 10, 1925, by Commissioner of State of Texas, with Commissioner of State of New Mexico, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Committee Room,

Austin, Texas, April 24, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 195, A bill to be entitled "An Act making it unlawful for any person acting for himself, or as an officer, or purported officer of any association, firm or corporation, to execute or deliver to any other person, association, firm or corporation, any instrument in writing purporting to convey any land or interest in land within this State, when such person knows that neither he nor the association, corporation, or firm for which he is acting or purports to act is the owner of or has an inter-

est in the land described in said instrument; and making it unlawful for any person, acting in his individual capacity or in behalf of such organization, to receive such instrument or to tender the same for record, knowing at the time of receiving or tendering that the person, firm, or corporation, executing such instrument was not the owner of the land nor the interest therein which said instrument conveys or purports to convey; providing a penalty for the violation of this Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

SMALL, Chairman.

Committee Room,
Austin, Texas, April 24, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 608, A bill to be entitled "An Act for the conservation, protection, preservation and distribution of the underground water supply of the State; defining powers and duties of the Board of Water Engineers for said purposes; providing for plugging, casing or capping wells to prevent contamination of fresh water supply; prescribing a penalty for violating any provision of this Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HORNSBY, Chairman.

SIXTY-THIRD DAY.

Senate Chamber,
Austin, Texas,
April 27, 1931.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(see appendix).

Committee Reports.

(see appendix).

Bills and Resolutions.

By an affirmative vote of four-fifths of the membership of the Senate, the constitutional rule relating to the introduction of general bills during the last 90 days of the session was suspended and consent was granted to introduce the following bill:

By Senator Stevenson:

S. B. No. 611, A bill to be entitled "An Act to regulate the use of highways of the State of Texas by motor truck, and declaring an emergency."

Read and referred to the Committee on State Highways and Motor Traffic.

Messages from the House.

Hall of the House of Representatives,
Austin, Texas, April 27, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. J. R. No. 5, Proposing an amendment of Section 7, Article II of the Constitution of the State of Texas, authorizing counties and cities bordering on the coast of the Gulf of Mexico by a vote of two-thirds of the qualified prop-